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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,380	12/28/2000	James B. Loveland	7927.132	6359

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EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 01/17/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,380

Applicant(s)

LOVELAND, JAMES B.

Examiner

Susanna M. Diaz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's Preliminary amendment filed November 6, 2002 has been entered.
Claims 1, 15, 25, and 30 have been amended.
Claims 1-32 are presented for examination.

Declaration

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing or post office address of each inventor. A mailing or post office address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing or post office address should include the ZIP Code designation. The mailing or post office address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-10 and 16-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 1 of claim 7, it is not clear which information is being referred to by "said information" since there are multiple types of information referred to in the claim. For

examination purposes, "said information" will be interpreted as "said information related to a structure."

In line 1 of claim 8, it is not clear which information is being referred to by "said information" since there are multiple types of information referred to in the claim. For examination purposes, "said information" will be interpreted as "said information related to a structure."

In line 1 of claim 10, it is not clear which information is being referred to by "said information" since there are multiple types of information referred to in the claim. For examination purposes, "said information" will be interpreted as "said information related to a structure."

Claims 16-18 are method claims dependent from system claim 6. It is not clear whether claims 16-18 are intended to be method or system claims. For examination purposes, claims 16-18 will be interpreted as method claims dependent from method claim 15 instead of system claim 6.

Claim 19 is a method claim dependent from system claim 9. It is not clear whether claim 19 is intended to be a method or a system claim. For examination purposes, claim 19 will be interpreted as a method claim dependent from method claim 15 instead of system claim 9.

Claims 20-24 are method claims dependent from system claim 1. It is not clear whether claims 20-24 are intended to be method or system claims. For examination purposes, claims 20-24 will be interpreted as method claims dependent from method claim 15 instead of system claim 1.

There is no antecedent basis for "said data base" in line 1 of claim 16 (assuming claim 16 to be dependent from claim 15). For examination purposes, "said data base" will be interpreted as "said electronic model."

In line 1 of claim 18, it is not clear what steps are being referred to by "said steps." For examination purposes, "said steps" will be interpreted as referring to all of the steps recited in claim 15.

In line 1 of claim 21, it is not clear which information is being referred to by "said information" since there are multiple types of information referred to in the claim. For examination purposes, "said information" will be interpreted as "said information related to a structure."

There is no antecedent basis for "the physical characteristics" in line 5 of claim 25. For examination purposes, "the physical characteristics" will be interpreted as "physical characteristics."

In lines 1-2 of claim 26, it is not clear which information is being referred to by "said information" since there are multiple types of information referred to in the claim. For examination purposes, "said information" will be interpreted as "said information regarding the physical characteristics of said structure or information pertaining to said structure."

In lines 1-2 of claim 27, it is not clear which information is being referred to by "said information" since there are multiple types of information referred to in the claim. For examination purposes, "said information" will be interpreted as "said information

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regarding the physical characteristics of said structure or information pertaining to said structure.”

There is no antecedent basis for “the physical features” in line 4 of claim 30. For examination purposes, “the physical features” will be interpreted as “physical features.”

There is no antecedent basis for “said signal” in line 1 of claim 31. For examination purposes, claim 31 will be interpreted as being dependent from claim 25 instead of claim 30.

Claim 9 is dependent from claim 7 and therefore inherits the same rejections under 35 U.S.C. 112, 2nd paragraph.

Claims 28 and 29 are dependent from claim 25 and therefore inherit the same rejections under 35 U.S.C. 112, 2nd paragraph.

Claim 32 is dependent from claim 31 and therefore inherits the same rejections under 35 U.S.C. 112, 2nd paragraph.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guheen et al. (U.S. Patent No. 6,473,794) in view of Brown (U.S. Patent No. 5,794,216).

Guheen teaches an electronic repository for storing information and providing simultaneous, limited authorized access to users based on each user's specific granted access rights, wherein at least one type of information is stored so as to be distinct and conveniently searchable from another type of information. This electronic repository is available to network (e.g., Internet) users who may access, modify, and exchange information, based on each user's respective rights and assigns. See *at least column 76, lines 5-11; column 77, lines 49-57; column 78, lines 19-36; column 80, lines 27-32; column 90, lines 44-50; column 223, line 53 through column 224, line 2; column 261, lines 55-62*. Guheen does not expressly teach the storage and provision of the specific data recited in claims 1-32; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Guheen does not explicitly disclose a display (such as an electronic model with selectable elements) that allows a user to select items for which data is to be accessed;

however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house. A user may select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements (e.g., in an electronic model of a house) with Guheen's centralized, networked database system in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information."

Furthermore, Guheen does not expressly teach the step of linking its data storage system with outside databases to gather and store information on the data storage system (as per claims 14 and 24); however, Official Notice is taken that linking a first database to other databases to gather and store information on the first database is old and well-known in the database art. This technique facilitates the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of linking the data storage system with outside databases to gather and store information

on the data storage system with Guheen's invention in order to facilitate the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database.

7. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al. (U.S. Patent No. 6,061,692) in view of Brown (U.S. Patent No. 5,794,216).

Thomas teaches an electronic repository for storing information and providing simultaneous, limited authorized access to users based on each user's specific granted access rights, wherein at least one type of information is stored so as to be distinct and conveniently searchable from another type of information. This electronic repository is available to network (e.g., Internet) users who may access, modify, and exchange information, based on each user's respective rights and assigns. *See at least column 5, lines 2-24; column 16, lines 31-48; column 22, lines 35-49; column 25, line 60 through column 26, line 7; column 28, lines 2-40; column 28, line 66 through column 29, line 30; claims 3, 4, 12, 16, 17, 28 of Thomas.* Thomas does not expressly teach the storage and provision of the specific data recited in claims 1-32; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms

of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Thomas does not explicitly disclose a display (such as an electronic model with selectable elements) that allows a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house. A user may select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements (e.g., in an electronic model of a house) with Thomas' centralized, networked database system in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information."

Furthermore, Thomas does not expressly teach the step of linking its data storage system with outside databases to gather and store information on the data storage system (as per claims 14 and 24); however, Official Notice is taken that linking a first database to other databases to gather and store information on the first database is old and well-known in the database art. This technique facilitates the gathering and

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storage of otherwise disparately stored data of interest conveniently in one centralized database. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of linking the data storage system with outside databases to gather and store information on the data storage system with Thomas' invention in order to facilitate the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database.

8. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reed et al. (U.S. Patent No. 5,862,325) in view of Brown (U.S. Patent No. 5,794,216).

Reed teaches an electronic repository for storing information and providing simultaneous, limited authorized access to users based on each user's specific granted access rights, wherein at least one type of information is stored so as to be distinct and conveniently searchable from another type of information. This electronic repository is available to network (e.g., Internet) users who may access, modify, and exchange information, based on each user's respective rights and assigns. *See at least column 6, line 49 through column 7, line 11; column 26, lines 36-45; column 45, line 65 through column 46, line 16; column 68, lines 14-22; column 69, line 27 through column 72, line 48; column 94, lines 33-58; column 129, line 12 through column 134, line 15; claims 51, 103, and 121 of Reed.* Reed does not expressly teach the storage and provision of the specific data recited in claims 1-32; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited

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nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Reed does not explicitly disclose a display (such as an electronic model with selectable elements) that allows a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house. A user may select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 71, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements (e.g., in an electronic model of a house) with Reed's centralized, networked database system in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information."

Furthermore, Reed does not expressly teach the step of linking its data storage system with outside databases to gather and store information on the data storage system (as per claims 14 and 24); however, Official Notice is taken that linking a first database to other databases to gather and store information on the first database is old and well-known in the database art. This technique facilitates the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement the step of linking the data storage system with outside databases to gather and store information on the data storage system with Reed's invention in order to facilitate the gathering and storage of otherwise disparately stored data of interest conveniently in one centralized database.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Pickens (U.S. Patent No. 6,345,258 B1) -- Discloses an information system for the management of the new home construction process.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

***Commissioner of Patents and Trademarks
Washington D.C. 20231***

or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz

Susanna M. Diaz
Patent Examiner
Art Unit 3623
January 14, 2003